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Attorneys for Larry D. Simons, Chapter 7 Trustee of the
Bankruptcy Estate of Deborah Cassandra Allen

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

In Re:

ANKA BEHAVIORAL HEALTH, INC.,

Debtor.

Case No. 19-41025 WJL

Chapter 7

RS No. AIN-002

**STATUS RE: MOTION FOR RELIEF
FROM THE AUTOMATIC STAY UNDER
11 U.S.C. § 362 AND REQUEST FOR
CONTINUANCE OF HEARING**

Date: January 15, 2020

Time: 9:30 am

Location: 1300 Clay Street

Courtroom 220

Oakland, CA 94612

Judge: Honorable William J. Lafferty

TO: THE HONORABLE WILLIAM J. LAFFERTY:

Larry D. Simons, the Chapter 7 Trustee ("Simons") of the bankruptcy estate of Deborah
Cassandra Allen ("Allen"), a creditor of Debtor, Anka Behavioral Health, Inc. ("Debtor" or
"ANKA") provides the following status regarding its Motion for Relief from the Automatic Stay
("Motion") currently set for hearing on January 15, 2020.

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1 BACKGROUND

2 As the Court may recall, although the Debtor's counsel initially filed a Statement of Non-
3 Opposition, counsel for the Creditors' Committee appeared at the initial hearing opposing Simons'
4 Motion asserting that he had been advised by Debtor's insurance coverage counsel that the D&O
5 policy applicable to Allen's claim was the same policy out of which other creditors' claims would be
6 pursued. This was based on the conclusion that the D&O policy had been extended rather than
7 renewed, and therefore was not a new policy, and Allen's claim should be grouped with all potential
8 claims to the policy. Repeated requests were made for evidence to support this conclusion, but no
9 supporting documentation was ever provided.

10 After the case was converted to Chapter 7, the Chapter 7 Trustee filed an opposition to the
11 Motion and raised the same arguments. Since the last hearing, counsel for Simons provided counsel
12 for the Trustee with documentation which showed that the Debtor was informed of Allen's claims
13 back in early 2017, and therefore, its insurer should have known about the claim by the end of July
14 2017, when the prior D&O policy elapsed and was purportedly extended rather than renewed.

15 The Trustee has informed Simons that he has been advised by Debtor's coverage counsel that
16 Allen's claim was not reported to Debtor's insurer until September 2017, after the prior policy
17 elapsed. Counsel for Simons has requested documentation from Trustee's counsel to support the
18 Trustee's position and has been informed that such documentation has been requested by the Trustee
19 from Debtor's coverage counsel, but not yet received. Simons is hopeful that Debtor's coverage
20 counsel will cooperate with the Chapter 7 Trustee and provide the requested documentation.
21 However, in the event the documentation is not provided, Simons will need to take the necessary
22 action to obtain such documentation.

23
24 REQUEST FOR CONTINUANCE

25 Based on the above, both counsel for Simons and counsel for the Chapter 7 Trustee are in
26 agreement that the hearing on the Motion should be continued to allow time for Debtor's coverage

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1 counsel to provide Trustee's counsel with the documentation supporting his position, and therefore
2 request is made that this hearing be continued to February 19, 2020 at 9:30 a.m.

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4 DATED: January 10, 2020

MIRMAN, BUBMAN & NAHMIAS, LLP

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6 By:



SCOTT H. NOSKIN

7 Attorneys for Larry D. Simons, Chapter 7 Trustee of the
8 Bankruptcy Estate of Deborah Cassandra Allen
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